

Senate Bill 125

By: Senator Seay of the 34th

A BILL TO BE ENTITLED
AN ACT

To amend Title 30 of the Official Code of Georgia Annotated, relating to handicapped persons, so as to provide for the installation and maintenance of adult changing stations in certain commercial public facilities for persons with disabilities; to provide for definitions; to provide for the powers and duties of the Safety Fire Commissioner; to provide for limitations; to provide for enforcement; to provide for exemptions; to provide for penalties; to provide for federal law compliance; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 30 of the Official Code of Georgia Annotated, relating to handicapped persons, is amended by adding a new chapter to read as follows:

"CHAPTER 3A

30-3A-1.

As used in this chapter, the term:

(1) 'Adult changing station' means a wall mounted, ergonomic, powered table for the diapering of adults that is installed within an enclosed restroom facility designated as a handicapped, special needs, or family restroom.

(2) 'Commercial public facility' means an auditorium, convention center, cultural complex, exhibition hall, permanent amusement park structure, sports arena, or theater.

(3) 'Commissioner' means the Safety Fire Commissioner provided for in Chapter 2 of Title 25.

(4) 'Disability' means mental or physical impairment that substantially limits one or more major life activities, whether such impairment is congenital or acquired by accident, injury, age, or disease.

30-3A-2.

(a) A commercial public facility having a total occupant load greater than 1,000 persons shall install and maintain a minimum of one adult changing station for persons with disabilities. This chapter shall not apply to any historic building or structure or landmark museum building as defined under Code Section 25-2-13.

(b) Each commercial public facility covered under this chapter shall provide signage at or near the entrance of each adult changing station indicating the location of such station. The central facility directory, if provided by such facility, shall indicate the location of any adult changing stations. This subsection shall not require a central facility directory if one is not otherwise provided by the commercial public facility or otherwise provided for by any other provision of law or regulation.

(c) All commercial public facilities under this chapter receiving permits for construction or renovation on or after January 1, 2020, shall comply with the rules, regulations, and procedures adopted by the Commissioner to establish the minimum standards and requirements under this chapter.

30-3A-3.

(a)(1) Except for commercial public facilities under the jurisdiction of the Board of Regents of the University System of Georgia, all facilities subject to the jurisdiction of the Commissioner pursuant to Code Section 25-2-12 and subsection (c) of Code Section 25-2-13 shall also be subject to the jurisdiction of the Commissioner for purposes of enforcement of this chapter.

(2) With respect to any such facility, the Commissioner shall have the following powers and duties:

(A) No such facility shall be built in this state by any private person or corporation or public entity unless it conforms to the requirements of this chapter and its plans and specifications have been approved by the Commissioner as provided in this subparagraph. All plans and specifications shall identify the architect or engineer who prepared them in a manner acceptable to the Commissioner. The Commissioner shall approve the plans and specifications only if they conform to the requirements of this chapter;

(B) In any case where the Commissioner denies approval under subparagraph (A) of this paragraph or an exemption under subparagraph (C) of this paragraph, the rights and remedies of the person submitting the same shall be those provided by Chapter 2 of Title 33; and

(C) Upon a showing that full compliance with any particular requirement or requirements is impractical or not necessary to accomplish the purposes of this chapter,

the Commissioner may exempt a facility from full compliance with such requirement or requirements and approve plans and specifications which do not conform, or which only partially conform, to such requirement or requirements.

(b) The board of regents shall be responsible for the administration and enforcement of this chapter with respect to all commercial public facilities covered by this chapter under its jurisdiction. No plans for any such facility shall be approved by the board of regents for any construction within the University System of Georgia unless the plans and specifications conform to the requirements of this chapter and the rules and regulations promulgated to carry out its provisions.

(c) Local governing authorities shall be responsible for the administration and enforcement of this chapter with respect to all commercial public facilities covered by this chapter which are not under the jurisdiction of the Commissioner or board of regents pursuant to subsections (a) and (b) of this Code section and which are under the jurisdiction of such local governing authorities. No building permit for any such facility shall be approved by any local governing authority for any private person, corporation, partnership, association, or public entity unless the plans and specifications conform to the requirements of this chapter and the rules and regulations promulgated to carry out its provisions.

(d) In the performance of their responsibilities under this chapter, all state rehabilitation agencies and appropriate elected or appointed officials shall be required to cooperate with and assist the Commissioner, the board of regents, and the appropriate local jurisdiction's building code officials or fire department, or any combination thereof.

(e) The Commissioner, the board of regents, and the local building code officials or fire department, or any combination thereof, having jurisdiction over the facilities in question shall from time to time inform, in writing, professional organizations and others of this chapter and its application.

(f)(1) The Commissioner, the board of regents, and the local governing authorities having jurisdiction over the commercial public facilities in question shall have all necessary powers to require compliance with their rules, regulations, and procedures, and modifications thereof and substitutions therefor, including powers to institute and prosecute proceedings in the superior court to compel compliance, and shall not be required to pay any entry or filing fee in connection with the institution of such proceedings.

(2) No person, firm, or corporation shall be subject to a complaint for not complying with the provisions of this chapter unless 90 days have passed since such person, firm, or corporation has been notified by certified mail or statutory overnight delivery of an alleged violation of this chapter. Such notification shall include a warning of an

97 impending complaint if the alleged violation is not corrected before the expiration of the
98 90 day warning period.

99 (g) The Commissioner, the board of regents, and the local governing authorities having
100 jurisdiction over the commercial public facilities in question, after consultation with state
101 rehabilitation agencies and other sources as they might determine, shall be authorized to
102 promulgate such rules, regulations, and procedures as might reasonably be required to
103 implement and enforce their responsibilities under this chapter. Such rules, regulations,
104 and procedures shall not be less restrictive than those established by the Commissioner.

105 30-3A-4.

106 Any person, firm, or corporation that violates this chapter, or that causes another person,
107 firm, or corporation to violate this chapter, or that fails or refuses to comply with any rule,
108 regulation, or procedure promulgated under this chapter shall be guilty of a misdemeanor.

109 30-3A-5.

110 Any provision of this chapter which affords persons with disabilities greater access than
111 is required by federal law shall be fully effective."

112 **SECTION 2.**

113 All laws and parts of laws in conflict with this Act are repealed.